

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 10 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ABBRA L. GREEN, a natural Person
residing at 16-566 Keaau Paho Rd., # 188-
736, Hawaii County, Hawaii; AUSTIN D.
MARTIN, Advocate, Husband of Petitioner,
Affected Party, Witness, a Natural Person
residing at 16-566 Keaau Paho Rd., # 188-
736, Hawaii County, Hawaii,

Plaintiffs-Appellants,

v.

M. KANANI LAUBACH, The Honorable,
Individually and in her official capacity as
Judge of the District Court of Hawaii
County, presiding at Hale Kaulike, 777
Kilauea Avenue, Hilo, Hawaii 96720-4212,
et all.,

Defendant-Appellee.

No. 22-16641

D.C. No. 1:22-cv-00444-DKW-
KJM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Derrick Kahala Watson, District Judge, Presiding

Submitted June 26, 2023**

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

The motion to proceed in forma pauperis on appeal (Docket Entry Nos. 4, 8) is granted.

Abbra L. Green and Austin D. Martin appeal pro se from the district court's order remanding for lack of subject matter jurisdiction their case to the Third Circuit Court for the State of Hawai'i. We have jurisdiction under 28 U.S.C. § 1291. *BP PLC v. Mayor & Council of Baltimore*, 141 S. Ct. 1532 (2021) (where 28 U.S.C §§ 1442 or 1443 are asserted as grounds for removal, appellate courts may review the entirety of the district court's removal order). We review de novo questions of subject matter jurisdiction. *City of Oakland v. BP PLC*, 969 F.3d 895, 903 (9th Cir. 2020). We affirm.

The district court properly remanded appellants' action because appellants attempted to remove a state court criminal proceeding and failed to meet the requirements for removal under any of the relevant statutes. *See* 28 U.S.C. §§ 1441, 1442, 1442a, 1443.

As requested by appellants (Docket Entry No. 7), the court considered the opening brief submitted electronically on November 18, 2022 (Docket Entry No. 3). The Clerk will file the opening brief submitted at Docket Entry No. 3.

All other pending motions are denied as moot.

AFFIRMED.